

REMARKS:

Claims 1, 3-13 and 15-23 were pending in the application. Claims 16 and 22 have been canceled. Claims 1, 3-13, 15, 17-21, and 23 have been amended. Claims 24-29 have been added. Therefore, claims 1, 3-13, 15, 17-21, and 23-29 are now pending in this application.

Section 101 Rejections

Claims 8-12 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. *See* Office Action at 3. While Applicant strongly disagrees with the Examiner's assertion that "a server by definition is a software element that answers socket requests from clients," Applicant has nevertheless amended claims 8-12 in a manner believed to be compliant with § 101.

Section 102 and 103 Rejections

All independent claims are rejected under 35 U.S.C. 102(b) as being anticipated by Golden et al. (PCT/US99/07818) or under 35 U.S.C. 103(a) as being unpatentable over Golden et al. in view of Picher-Dempsey (U.S. Patent No. 7,283,561). Applicant submits that the amended claims are patentably distinct over the cited references.

Claim 1 recites a "routing device" "receiving data" and "receiving a signal, separate from the received data, indicating that the data is to be transferred to [a] computer system at a minimum quality of service(QoS)." Then, claim 1 recites "the routing device initiating a QoS session between the routing device and the computer system in response to receiving the signal." Applicant submits that Golden's switches 102, 114, and 120 and router 124 do not constitute the "routing device" of claim 1 because they do not "initiat[e] a QoS session." Furthermore, while Golden's ECP 126 provides "bandwidth reservation requests" to "ones of switches 102, 114, [and] 120," *see* Golden 4:35, ECP 126 also does not constitute the "routing device" of claim 1, because Golden's ECP 126 is not disclosed as "initiating a QoS session between the routing device and the computer system" as recited in claim 1. The Examiner does not contend that Picher-Dempsey teaches or suggests these features.¹

¹ The Examiner relies on Picher-Dempsey because "Golden does not explicitly state that the Enterprise Control Point is a server" and "Picher-Dempsey teaches a server that is capable of sending a signal to routers indicating that

For at least the reasons stated above, claim 1 and its dependent claims are patentably distinct over the cited references. Independent claims 18 and 27 (and their respective dependent claims) are believed to also distinguish over the cited references for at least reasons similar to those provided for claim 1.

Claim 7 recites “receiving a packet of data” “wherein a header of the packet includes a first value indicating that a minimum quality of service (QoS) is being requested and a second value indicating the minimum QoS.” Claim 7 subsequently recites “sending the packet to a computer system located in the local area network in accordance with the indicated minimum QoS.” While Golden teaches “bandwidth reservation requests,” Golden. at 4:35, that reference does not teach that such a request is “a header of [a] packet” that “includes a first value indicating that a minimum quality of service (QoS) is being requested and a second value indicating the minimum QoS,” and much less “sending the packet... in accordance with the indicated minimum QoS” as recited in claim 7. Applicant submits that Picher-Dempsey also does not teach these features.

For at least the reasons stated above, claim 7 and its dependent claims are patentably distinct over the cited references. Independent claims 13 and 15 (and their respective dependent claims) are believed to also distinguish over the cited references for at least reasons similar to those provided for claim 7.

data is be transferred from a wide area network to a local area network with a guaranteed quality of service.” *See* Office Action at 4 and 5.

CONCLUSION:

Applicant respectfully submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/6057-53100/DMM.

Respectfully submitted,

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